

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2008 Supp.) and Section 303 of Title 23 of the District of Columbia Municipal Regulations (DCMR), hereby gives notice of the adoption of emergency rules that amend existing section 305 of Title 23 DCMR. The emergency rules extend the existing moratorium on the issuance of certain alcoholic beverage retailer licenses in Georgetown for a ninety (90) day period. The extension of the moratorium will maintain the current limit on the number of retailer's licenses Class CR, CT, CN, CX, DR, DT, DN, and DX issued in the Georgetown Moratorium Zone.

On January 12, 2010, the Board received a written request from Advisory Neighborhood Commission 2E (ANC 2E), voting seven (7) to zero (0) with a quorum present, for the continuation of the current moratorium in Georgetown and to allow two (2) additional licenses due to the number of licenses held in safekeeping with the Alcoholic Beverage Regulation Administration (ABRA). Under 23 DCMR 305.9, the existing moratorium would expire on April 14, 2010.

Subsequent to the filing of the moratorium petition, several parties requested a ninety (90) day extension of the existing Georgetown Moratorium Zone to July 14, 2010. The request for the extension was based upon various parties seeking to engage the community as a whole — including residents, businesses, and Georgetown University — to discuss the moratorium petition further and to solidify support.

On March 24, 2010, the Board held a Fact Finding Hearing on the request for the ninety (90) day extension only, and not on the merits of the petition to reauthorize the existing moratorium. ANC 2E appeared at the Fact Finding Hearing in support of the ninety (90) day extension. The Citizens Association of Georgetown (CAG) and Georgetown University also attended the Fact Finding Hearing and supported the ninety (90) day extension. There was no opposition to the request and as a result, the Board voted five (5) to zero (0) on March 31, 2010, to extend the existing Georgetown Moratorium for ninety (90) days to July 14, 2010. Based upon the testimony, the Board believes that a ninety (90) day extension is warranted and is in the best interest of the Georgetown community. A public hearing has been scheduled on the moratorium request for June 9, 2010, at 1 p.m. The statements set forth above reflect the written reasons for the Board's decision as required by 23 DCMR 303.1.

The continuation of the existing Georgetown moratorium is necessary for the preservation of the health, safety, and welfare of the District residents. This emergency action and upcoming public hearing will allow the Board to consider the impact on public safety regarding the issuance of any additional liquor licenses in the Georgetown Moratorium Zone. These emergency rules will

expire on July 14, 2010, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Section 305 of Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended to read as follows:

**305        GEORGETOWN MORATORIUM ZONE**

- 305.1        No Retailer's licenses Class CN, CR, CT, CX, DN, DR, DT, or DX shall be issued for a period of five (5) years from the effective date of this section in the area that extends approximately one thousand eight hundred feet (1800') in all directions from the intersection of Wisconsin Avenue N.W. and N Street, N.W., Washington, D.C. This area shall be known as the Georgetown Moratorium Zone.
- 305.2        The Georgetown Moratorium Zone is more specifically described as the area bounded by a line beginning at the intersection of 33rd and Q Streets, N.W.; continuing east on Q Street N.W. to Wisconsin Avenue N.W.; continuing southeast on Wisconsin Avenue N.W. to Q Street N.W.; continuing east on Q Street N.W. to 29th Street N.W.; continuing south on 29th Street N.W. to P Street N.W.; continuing east on P Street N.W. to 28th Street N.W.; continuing south on 28th Street N.W. to O Street N.W.; continuing east on O Street N.W. to 27th Street N.W.; continuing south on 27th Street N.W. to the northwest boundary of Rock Creek Park; continuing southwest along the northwest boundary of Rock Creek to the north bulkhead of the Potomac River; continuing west along the north bulkhead of the Potomac River to the Key Bridge; continuing north on the Key Bridge to M Street N.W.; continuing west on M Street N.W. to 36th Street N.W.; continuing north on 36th Street N.W. to O Street N.W.; continuing east on O Street N.W. to 35th Street N.W.; continuing north on 35th Street N.W. to P Street N.W.; continuing east on P Street N.W. to 34th Street N.W.; continuing north on 34th Street N.W. to Volta Place N.W.; continuing east on Volta Place N.W. to 33rd Street N.W.; and continuing north on 33rd Street N.W. to Q Street N.W., the starting point.
- 305.3        The following establishments shall be exempt from the Georgetown Moratorium Zone:
- (a)        All hotels, whether present or future; and
  - (b)        Establishments located in or to be located in Georgetown Park, Georgetown Park II, Prospect Place Mall, Georgetown Court, and Washington Harbor.
- 305.4        Nothing in this section shall prohibit the Board from approving the transfer of ownership of a Class C or D Retailer's license within the Georgetown Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.

- 305.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Georgetown Moratorium Zone to a new location within the Georgetown Moratorium Zone.
- 305.6 A license holder outside the Georgetown Moratorium Zone shall not be permitted to transfer its license to a location within the Georgetown Moratorium Zone.
- 305.7 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.
- 305.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 305.9 This section shall expire on July 14, 2010.